

those 12 years if they have such intense feelings in favor.

I would be happy to yield to my friend.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentleman for yielding, and I would probably respond to your direct question that for the same reason for the 20 years prior to that your party didn't bring it up either.

But what I want to say, and I thank the gentleman for yielding, the gentleman said that the purpose of the House is not to debate every issue. I would tend to agree with that. But I think that the gentleman would have to agree with me that when there are propositions that are made in order, whether it is a bill or whether it is an amendment, that they ought to be debated and disposed of by the House and not be covered up, if you will.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 30 seconds.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from New Jersey.

Mr. ANDREWS. Mr. Speaker, the majority will have a chance to work its will, the House will have a chance to work its will on his proposition, and we will make a majority decision and he will either win or lose, which I think is fair and within the rules.

Mr. HASTINGS of Washington. Mr. Speaker, reclaiming my time, I am glad the gentleman would do that. I hope he would join me. I am just worried that this is so unprecedented for this to happen. That is the point I made from the outset, and that is the point I make right now.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I am the last speaker for my side, so I will reserve my time until it is time to close.

MOTION TO ADJOURN

Mr. HASTINGS of Washington. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 164, nays 254, not voting 14, as follows:

[Roll No. 1051]

YEAS—164

Aderholt	Bachmann	Barrett (SC)
Akin	Bachus	Bartlett (MD)
Alexander	Baker	Barton (TX)

Berry	Gilchrest	Pearce
Biggert	Gingrey	Pence
Bilbray	Gohmert	Peterson (PA)
Bilirakis	Goode	Petri
Bishop (UT)	Goodlatte	Pickering
Blackburn	Gordon	Pitts
Blunt	Granger	Platts
Boehner	Hall (TX)	Poe
Bonner	Hastings (WA)	Porter
Bono	Hayes	Price (GA)
Boozman	Heller	Pryce (OH)
Boustany	Hensarling	Putnam
Brady (TX)	Herger	Radanovich
Broun (GA)	Hobson	Regula
Burton (IN)	Hoekstra	Rehberg
Calvert	Hulshof	Reichert
Camp (MI)	Hunter	Renzi
Campbell (CA)	Inglis (SC)	Reynolds
Cannon	Issa	Rogers (AL)
Cantor	Johnson (IL)	Rogers (KY)
Capito	Johnson, Sam	Rogers (MI)
Carter	Jordan	Rohrabacher
Castle	Keller	Ros-Lehtinen
Chabot	King (IA)	Roskam
Coble	King (NY)	Royce
Cole (OK)	Kingston	Ryan (WI)
Conaway	Kline (MN)	Sali
Crenshaw	Lamborn	Schmidt
Culberson	Latham	Sensenbrenner
Davis (KY)	Lewis (KY)	Sessions
Davis, David	Lucas	Shadeegg
Deal (GA)	Lungren, Daniel	Shays
Diaz-Balart, L.	E.	Shimkus
Diaz-Balart, M.	Mack	Shuster
Doolittle	Manzullo	Simpson
Drake	Marchant	Smith (TX)
Dreier	McCarthy (CA)	Souder
Duncan	McCaul (TX)	Stearns
Emerson	McCotter	Sullivan
English (PA)	McCrery	Tancredo
Everett	McHenry	Terry
Fallin	McKeon	Tiahrt
Feeney	McMorris	Tiberi
Ferguson	Rodgers	Upton
Flake	Mica	Walberg
Forbes	Miller (FL)	Wilson (NM)
Fortenberry	Miller (MI)	Wilson (SC)
Fox	Miller, Gary	Wolf
Franks (AZ)	Moran (KS)	Wu
Frelinghuysen	Murphy, Tim	Young (AK)
Gallegly	Musgrave	Young (FL)
Garrett (NJ)	Myrick	
Gerlach	Nunes	

NAYS—254

Abercrombie	Costello	Harman
Ackerman	Courtney	Hastings (FL)
Allen	Cramer	Herseth Sandlin
Altmiere	Crowley	Higgins
Andrews	Cuellar	Hill
Arcuri	Cummings	Hinchey
Baca	Davis (AL)	Hinojosa
Baird	Davis (CA)	Hirono
Baldwin	Davis (IL)	Hodes
Barrow	Davis, Lincoln	Holden
Becerra	Davis, Tom	Holt
Berkley	DeFazio	Honda
Berman	DeGette	Hooley
Bishop (GA)	Delahunt	Hoyer
Bishop (NY)	DeLauro	Inslee
Blumenauer	Dent	Israel
Boren	Dicks	Jackson (IL)
Boswell	Dingell	Jackson-Lee
Boucher	Doggett	(TX)
Boyd (FL)	Donnelly	Johnson (GA)
Boyd (KS)	Doyle	Johnson, E. B.
Brady (PA)	Edwards	Jones (NC)
Braley (IA)	Ehlers	Jones (OH)
Brown (SC)	Ellison	Kagen
Brown, Corrine	Ellsworth	Kanjorski
Brown-Waite,	Emanuel	Kaptur
Ginny	Engel	Kennedy
Buchanan	Eshoo	Kildee
Burgess	Etheridge	Kilpatrick
Butterfield	Farr	Kind
Capps	Fattah	Kirk
Capuano	Filner	Klein (FL)
Cardoza	Fossella	Knollenberg
Carnahan	Frank (MA)	Kucinich
Carney	Giffords	Kuhl (NY)
Castor	Gillibrand	Lampson
Clarke	Gonzalez	Langevin
Clay	Graves	Lantos
Cleaver	Green, Al	Larsen (WA)
Clyburn	Green, Gene	Larson (CT)
Cohen	Grijalva	LaTourette
Conyers	Gutierrez	Lee
Cooper	Hall (NY)	Levin
Costa	Hare	Lewis (CA)

Lewis (GA)	Pallone	Snyder
Linder	Pascrell	Solis
Lipinski	Pastor	Space
LoBiondo	Payne	Spratt
Loeb sack	Perlmutter	Stupak
Lofgren, Zoe	Peterson (MN)	Sutton
Lowey	Pomeroy	Tanner
Lynch	Price (NC)	Tauscher
Mahoney (FL)	Rahall	Taylor
Maloney (NY)	Ramstad	Thompson (CA)
Marshall	Rangel	Thompson (MS)
Matheson	Reyes	Thornberry
Matsui	Richardson	Tierney
McCarthy (NY)	Rodriguez	Towns
McCollum (MN)	Ross	Tsongas
McDermott	Rothman	Turner
McGovern	Roybal-Allard	Udall (CO)
McHugh	Ruppersberger	Udall (NM)
McIntyre	Rush	Van Hollen
McNerney	Ryan (OH)	Velázquez
McNulty	Salazar	Visclosky
Meek (FL)	Sánchez, Linda	Walden (OR)
Meeks (NY)	T.	Walsh (NY)
Melancon	Sanchez, Loretta	Walz (MN)
Michaud	Sarbanes	Wamp
Miller (NC)	Saxton	Wasserman
Miller, George	Schakowsky	Schultz
Mitchell	Schiff	Waters
Mollohan	Schwartz	Watson
Moore (KS)	Scott (GA)	Watt
Moore (WI)	Scott (VA)	Waxman
Moran (VA)	Serrano	Weiner
Murphy (CT)	Sestak	Welch (VT)
Murphy, Patrick	Shea-Porter	Weldon (FL)
Murtha	Sherman	Weller
Nadler	Shuler	Wexler
Napolitano	Sires	Whitfield
Neal (MA)	Skelton	Wicker
Neugebauer	Slaughter	Wilson (OH)
Obey	Smith (NE)	Woolsey
Oliver	Smith (NJ)	Wynn
Ortiz	Smith (WA)	Yarmuth

NOT VOTING—14

Bean	Hastert	Oberstar
Buyer	Jefferson	Paul
Carson	Jindal	Stark
Chandler	LaHood	Westmoreland
Cubin	Markey	

□ 1421

Messrs. ELLISON, MCNERNEY, BERMAN and RANGEL changed their vote from “yea” to “nay.”

Messrs. GORDON of Tennessee, MORAN of Kansas, BROUN of Georgia and HOBSON changed their vote from “nay” to “yea.”

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3685, EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I would inquire of my friend from Florida if she has any more speakers on her side.

Ms. CASTOR. Mr. Speaker, I'm the last Member to speak on my side. So I will reserve the balance of my time until my colleague from Washington has made his closing remarks.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I find that we are debating a rule that is rather ironic because the underlying bill that this rule would make in order is a bill about discrimination and ending discrimination, and yet the very rule, the very rule that we are debating, which makes three

amendments in order, is a discriminatory rule because it does not treat all three amendments equal.

As I mentioned in my opening statement, Mr. Speaker, I will be calling for a vote on the previous question, and I strongly urge my colleagues to vote against the previous question.

Let me be clear, Mr. Speaker, by voting "no" on the previous question, Members will show their support for having a vote on amendment No. 3, which would expand the bill's protections to persons discriminated against based on gender identity. This is defined in the amendment as the gender-related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the individual's designated sex at birth.

As I said, those voting "no" on the previous question will be able to vote on this question. Those Members who vote "yes" on the previous question will be showing their support for denying Americans, through their representatives, a voice on this issue.

Again, if the previous question is defeated, I will amend the rule by striking that provision in the language that denies having to seek unanimous consent to offer to withdraw the vote. If the previous question is defeated, the House will still be able to consider the employment nondiscrimination bill today.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, as I mentioned earlier, this rule, as it stands, discriminates against amendments made in order. My colleagues who entered into the debate today said they are against discrimination; therefore, I urge them to vote "no" on the previous question and for equality.

Mr. Speaker, with that, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, before the House today is the Employment Non-Discrimination Act of 2007 and the rule for debate. This bipartisan legislation from the people's House, the House of Representatives, marks another important step towards equality for all Americans.

You see, during the 230-plus-year history of our great country, the march toward equality under the law for all citizens has sometimes been slow, but it has been steady.

Over time, this Congress has outlawed discrimination in the workplace based upon a person's race, gender, age, national origin, religion and disability. When it comes to employment and hiring and firing and compensation and promotion, these decisions are rightly based upon a person's qualifications and job performance.

Our bill today will extend civil rights protections to sexual orientation.

□ 1430

On this proud day of the 110th Congress, we will chart a new direction for civil rights. On this proud day, the Congress will act to ensure that all Americans are granted equal civil rights in the workplace. The underlying value of Americans everywhere is to be treated fairly in our jobs and workplaces.

On this hopeful day for America, we will stand up for citizens who previously lived in fear that they will lose their jobs due to their employers' prejudices.

I urge my colleagues to vote "yes" on this landmark civil rights act. I urge a "yes" vote on the previous question and on the rule.

Mr. WELCH of Vermont. Mr. Speaker, I rise in strong support of H.R. 3685, the Employment Non-Discrimination Act, or ENDA, which prohibits employment discrimination on the basis of sexual orientation.

Unfortunately, in 31 states, it is still legal to fire someone because that person is gay, lesbian, or bisexual. In 39 states, it is legal to do so if the person is transgender. I am proud that Vermont already protects individuals against employment discrimination based on both sexual orientation and gender identity. Vermont's 1992 Human Rights Law included sexual orientation protections in public and private employment, as well as public accommodations, education, housing, credit, insurance and union practices. In May of this year, Vermont included gender identity protections in employment, public accommodations, and housing. I applaud Vermont for these important steps and we must do the same on the national level.

When making employment decisions, employers should look at an individual's qualifications and the quality of the work they produce, not their sexual orientation or gender identity. The public strongly supports this notion.

Many employers have already acted on their own. Approximately 90 percent of Fortune 500 companies include sexual orientation in their nondiscrimination policies. More specifically, 49 of the Fortune 50 companies have a policy against employment discrimination on the basis of sexual orientation.

Progress is being made on the gender identity front as well. Approximately 25 percent of Fortune 500 companies include protections against gender identity discrimination in their corporate policies.

Where employers do not act, however, the Federal government must step in and extend this protection to employees across the country. Employees are currently protected from discrimination on the basis of race, gender, religion, national origin or disability.

If not enacted today, I believe this Congress will soon realize that gender identity protections, like in Vermont, are also necessary and I stand ready to join my colleagues in taking that next step.

The decision before us today is whether or not we take a giant step forward. Whether or not we as a Congress want to protect the millions of gays and lesbians across the country from employment discrimination. This legislation is a perfect example of how this Congress

has made a commitment to a new direction. This new direction embodies the values of equality and fairness, making sure that workers, children, families, and communities can fully participate in the successes of our economy. This bill would have never seen the light of day in past Congresses.

I am glad that the rule makes in order the amendment by Representative BALDWIN to include "gender identity" protections in the bill. I urge all my colleagues to support the rule, support the Baldwin amendment, and support the underlying bill.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 793 OFFERED BY MR. HASTINGS OF WASHINGTON

In section 1 of the resolution, strike the sentence which begins "Amendment number 3 in the report of the Committee on Rules".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal

to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. CASTOR. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. CASTOR. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—ayes 224, noes 192, not voting 16, as follows:

[Roll No. 1052]

AYES—224

Abercrombie	Cuellar	Honda
Ackerman	Cummings	Hooley
Allen	Davis (AL)	Hoyer
Altmire	Davis (CA)	Inslee
Andrews	Davis (IL)	Israel
Arcuri	Davis, Lincoln	Jackson (IL)
Baca	DeFazio	Jackson-Lee
Baird	DeGette	(TX)
Baldwin	Delahunt	Jefferson
Barrow	DeLauro	Johnson (GA)
Bean	Dicks	Johnson, E. B.
Becerra	Doggett	Jones (OH)
Berkley	Doyle	Kagen
Berman	Edwards	Kanjorski
Bishop (GA)	Ellison	Kaptur
Bishop (NY)	Ellsworth	Kennedy
Blumenauer	Emanuel	Kildee
Boren	Engel	Kilpatrick
Boswell	Eshoo	Kind
Boucher	Etheridge	Klein (FL)
Boyd (FL)	Farr	Langevin
Boyda (KS)	Fattah	Lantos
Brady (PA)	Filner	Larsen (WA)
Braley (IA)	Frank (MA)	Larson (CT)
Brown, Corrine	Giffords	Lee
Butterfield	Gillibrand	Levin
Capps	Gonzalez	Lewis (GA)
Capuano	Gordon	Lipinski
Cardoza	Green, Al	Loeb sack
Carnahan	Green, Gene	Lofgren, Zoe
Carney	Grijalva	Lowe y
Castor	Gutierrez	Lynch
Chandler	Hall (NY)	Mahoney (FL)
Clarke	Hare	Maloney (NY)
Clay	Harman	Markey
Cleaver	Hastings (FL)	Marshall
Clyburn	Herse th Sandlin	Matheson
Cohen	Higgins	Matsui
Conyers	Hill	McCarthy (NY)
Cooper	Hinche y	McCollum (MN)
Costa	Hinojosa	McDermott
Costello	Hirono	McGovern
Courtney	Hodes	McIntyre
Cramer	Holden	McNerney
Crowley	Holt	McNulty

Meek (FL)	Richardson	Stark
Meeks (NY)	Rodriguez	Stupak
Melancon	Ross	Sutton
Michaud	Rothman	Tanner
Miller (NC)	Roybal-Allard	Tauscher
Miller, George	Ruppersberger	Taylor
Mitchell	Rush	Thompson (CA)
Mollohan	Ryan (OH)	Thompson (MS)
Moore (KS)	Salazar	Tierney
Moore (WI)	Sanchez, Linda	Tsongas
Moran (VA)	T.	Udall (CO)
Murphy (CT)	Sanchez, Loretta	Udall (NM)
Murphy, Patrick	Sarbanes	Van Hollen
Murtha	Schakowsky	Velázquez
Nadler	Schiff	Visclosky
Napolitano	Schwartz	Walz (MN)
Neal (MA)	Scott (GA)	Wasserman
Obey	Scott (VA)	Schultz
Oliver	Serrano	Waters
Ortiz	Sestak	Watson
Pallone	Shea-Porter	Watt
Pascarell	Sherman	Waxman
Pastor	Shuler	Weiner
Payne	Sires	Welch (VT)
Perlmutter	Skelton	Wexler
Peterson (MN)	Slaughter	Wilson (OH)
Pomeroy	Smith (WA)	Woolsey
Price (NC)	Snyder	Wu
Rahall	Solis	Wynn
Rangel	Space	Yarmuth
Reyes	Spratt	

NOES—192

Akin	Gallegly	Neugebauer
Alexander	Garrett (NJ)	Nunes
Bachmann	Gerlach	Pearce
Bachus	Gilchrest	Pence
Baker	Gingrey	Peterson (PA)
Barrett (SC)	Gohmert	Petri
Bartlett (MD)	Goode	Pickering
Barton (TX)	Goodlatte	Pitts
Berry	Granger	Platts
Bilbray	Graves	Poe
Bilirakis	Hall (TX)	Porter
Bishop (UT)	Hastings (WA)	Price (GA)
Blackburn	Hayes	Pryce (OH)
Blunt	Heller	Putnam
Boehner	Hensarling	Radanovich
Bonner	Herger	Ramstad
Bono	Hobson	Regula
Boozman	Hoekstra	Rehberg
Boustany	Hulshof	Reichert
Brady (TX)	Hunter	Renzi
Brown (GA)	Inglis (SC)	Reynolds
Brown (SC)	Issa	Rogers (AL)
Brown-Waite,	Johnson (IL)	Rogers (KY)
Ginny	Johnson, Sam	Rogers (MI)
Buchanan	Jones (NC)	Rohrabacher
Burton (IN)	Jordan	Ros-Lehtinen
Calvert	Keller	Roskam
Camp (MI)	King (IA)	Royce
Campbell (CA)	King (NY)	Ryan (WI)
Cannon	Kingston	Sali
Cantor	Kirk	Saxton
Capito	Kline (MN)	Schmidt
Carter	Kucinich	Sensenbrenner
Castle	Kuhl (NY)	Sessions
Chabot	Lamborn	Shadegg
Coble	Lampson	Shays
Cole (OK)	Latham	Shimkus
Conaway	LaTourette	Shuster
Crenshaw	Lewis (CA)	Simpson
Culberson	Lewis (KY)	Smith (NE)
Davis (KY)	Linder	Smith (NJ)
Davis, David	LoBlondo	Smith (TX)
Davis, Tom	Lucas	Souder
Deal (GA)	Lungren, Daniel	Stearns
Dent	E.	Sullivan
Diaz-Balart, L.	Mack	Tancred o
Diaz-Balart, M.	Manzullo	Terry
Donnelly	Marchant	Thornberry
Doolittle	McCarthy (CA)	Tiahrt
Drake	McCaul (TX)	Tiberi
Dreier	McCotter	Turner
Duncan	McCrery	Upton
Ehlers	McHenry	Walberg
Emerson	McHugh	Walden (OR)
English (PA)	McKeon	Walsh (NY)
Everett	McMorris	Wamp
Fallin	Rodgers	Weldon (FL)
Feeney	Mica	Weller
Ferguson	Miller (FL)	Whitfield
Flake	Miller (MI)	Wicker
Forbes	Miller, Gary	Wilson (NM)
Fossella	Moran (KS)	Wilson (SC)
Fox	Murphy, Tim	Wolf
Franks (AZ)	Musgrave	Young (AK)
Frelinghuysen	Myrick	Young (FL)

NOT VOTING—16

Aderholt	Dingell	Oberstar
Biggert	Fortenberry	Paul
Burgess	Hastert	Towns
Buyer	Jindal	Westmoreland
Carson	Knollenberg	
Cubin	LaHood	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1449

Mr. SHULER and Mr. McINTYRE changed their vote from “no” to “aye.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 218, nays 205, not voting 10, as follows:

[Roll No. 1053]

YEAS—218

Abercrombie	Edwards	Lee
Ackerman	Ellison	Levin
Allen	Ellsworth	Lewis (GA)
Altmire	Emanuel	Lipinski
Andrews	Engel	Loeb sack
Arcuri	Eshoo	Lofgren, Zoe
Baca	Etheridge	Lowe y
Baird	Farr	Lynch
Baldwin	Fattah	Mahoney (FL)
Bean	Filner	Maloney (NY)
Becerra	Frank (MA)	Markey
Berkley	Giffords	Matheson
Berman	Gillibrand	Matsui
Berry	Gonzalez	McCarthy (NY)
Bishop (GA)	Gordon	McCollum (MN)
Bishop (NY)	Green, Al	McDermott
Blumenauer	Green, Gene	McGovern
Boren	Grijalva	McNerney
Boswell	Gutierrez	McNulty
Boucher	Hall (NY)	Meek (FL)
Boyda (KS)	Hare	Meeks (NY)
Brady (PA)	Harman	Melancon
Braley (IA)	Hastings (FL)	Michaud
Brown, Corrine	Herse th Sandlin	Miller (NC)
Butterfield	Higgins	Miller, George
Capps	Hinche y	Mitchell
Capuano	Hinojosa	Mollohan
Cardoza	Hirono	Moore (KS)
Carnahan	Hodes	Moore (WI)
Carney	Holden	Moran (VA)
Castor	Holt	Murphy (CT)
Chandler	Clarke	Murphy, Patrick
Clay	Clay	Murtha
Cleaver	Cleaver	Nadler
Clyburn	Clyburn	Inslee
Cohen	Cohen	Israel
Conyers	Conyers	Jackson (IL)
Cooper	Cooper	Jackson-Lee
Costa	Costa	(TX)
Costello	Costello	Jefferson
Courtney	Courtney	Johnson (GA)
Cramer	Cramer	Johnson, E. B.
Crowley	Crowley	Jones (OH)
	Cuellar	Kagen
	Cummings	Kanjorski
	Davis (AL)	Kaptur
	Davis (CA)	Kennedy
	Davis (IL)	Kildee
	DeFazio	Kilpatrick
	DeGette	Kind
	Delahunt	Klein (FL)
	DeLauro	Kucinich
	Dicks	Langevin
	Dingell	Lantos
	Doggett	Larsen (WA)
	Doyle	Larson (CT)
		Ruppersberger

Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton

Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen

Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—205

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggart
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)

Frelinghuysen
Gallely
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Mungrave
Myrick

Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—10

Buyer
Carson
Cubin
Davis (KY)
Jindal
LaHood
Oberstar
Paul
Reynolds
Westmoreland

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1459

Mr. DONNELLY changed his vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and insert extraneous material on H.R. 3685.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EMPLOYMENT NON-DISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 793 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3685.

□ 1500

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3685) to prohibit employment discrimination on the basis of sexual orientation, with Mrs. TAUSCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the Chair, and I yield myself 3 minutes.

Madam Chairman and Members of the House, it is disgraceful but true that in much of the United States, it is perfectly legal for employers to fire workers simply on the basis of their sexual orientation.

I am proud that today the House will vote on legislation to end this discrimination. It has no place in American society.

The legislation we are considering was first introduced in the House in 1975, more than 30 years ago, and in the last three decades, gay, lesbian, and bisexual Americans have waged a courageous campaign for their workplace rights. I regret that they have had to wait so long for this vote, but I am pleased that this historic day has finally arrived.

The Employment Non-Discrimination Act ensures that employment decisions are based upon merit and performance and not prejudice. Federal law and the laws of 30 States permit employers to discriminate against employees based solely on their sexual orientation. In those 30 States, employers can fire, refuse to hire, demote, or refuse to promote employees on the basis of sexual orientation alone.

Earlier this year, under Chairman ANDREWS, the Health, Employment, Labor and Pensions Subcommittee heard testimony from Michael Carney, a highly decorated police officer. Officer Carney was initially denied the opportunity to return to his job with the Springfield, Massachusetts Police Department because he is gay. Fortunately, Massachusetts is not one of the 30 States to deny these basic rights to gay workers, and Officer Carney was eventually able to return to his job.

But that was not the case for Brooke Waites, who testified at the hearing. Ms. Waites was fired from her job in telecommunications after her employer discovered that she was a lesbian. Since the State of Texas allows employers to fire workers based on sexual orientation, Ms. Waites had no recourse. She could not get her job back.

It's hard to believe that fully qualified, capable individuals are being denied employment or fired from their jobs for these completely nonwork-related reasons. This is profoundly unfair and certainly un-American. Unless we act to outlaw this discrimination, millions of American workers will continue to live with the legitimate fear that they could be fired or denied a job and wind up unable to provide for themselves and their families. That is why it is essential that this Congress act to protect the rights of all workers, regardless of their sexual orientation.

The Employment Non-Discrimination Act extends employment non-discrimination protections to gay, lesbian, bisexual, and heterosexual people. It prohibits employers, employment agencies, and labor unions from using an individual's sexual orientation as a basis for employment decisions such as hiring and firing, promotion, or compensation. The bill prohibits employers from subjecting an individual to different standards of treatment based upon the individual's sexual orientation. The bill does not apply to businesses with less than 15 workers, private membership clubs, or the U.S. Armed Forces. And it does not apply to religious schools or other religious organizations.

I urge my colleagues to support this legislation.

Madam Chairman, I reserve the balance of my time.

Mr. McKEON. Madam Chairman, I yield myself such time as I may consume.

I rise in opposition to H.R. 3685, a proposal fraught with burdensome mandates, litigation traps, and constitutional concerns.